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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,730	02/18/2004	Tumay O. Tumer	NOVA-012-C	2086
28892	7590	01/13/2006	EXAMINER	
SNIDER & ASSOCIATES P. O. BOX 27613 WASHINGTON, DC 20038-7613			LE, DINH THANH	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/779,730	TUMER ET AL.	
	Examiner	Art Unit	
	DINH T. LE	2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22, 23, 28-34, 39, 44-46, 48, 49, 53 and 58-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-23, 28-34, 39, 44-46, 48-49, 53 and 58-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

NON-FINAL REJECTION

The rejection under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 670812 is withdrawn in view of the Terminal Disclaimer filed on 3/28/05.

The rejection over Tumer (US 5,943,388) are withdrawn in view of the amendments to the claims.

Claim Rejections

Claim Rejections - 35 USC _ 112

Claims 22-23, 28-34, 39, 44-46, 48-49, 53 and 58-92 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction or clarification is required.

In claim 22, the recitation “amplifier” on line 6 is confusing because it is unclear if this is additional “amplifier” or further recitation of the previously claimed “amplifier” on line 4. It is unclear how the recitation “output circuit system for outputting said processed signals responsive to said input signals” and “a polarity switching circuit is connected to said amplifiers” is read on the preferred embodiment. Insofar as understood, no such system and circuits can be determined on the drawings. The same is true for claims 28-29, 39, 46, 53 and 59.

In claim 28, it is unclear how the recitation “a peak and hold circuit coupled to output of at least one of said amplifiers” is read on the preferred embodiment. Insofar as understood, no such circuit is seen on the drawings. The same is true for reciting “comparators connected to said amplifiers” in claim 29, “a circuit connected to an output of said peak hold or sample and hold

circuit is multiplexed to said output circuit system” in claim 33, “a time difference measurement circuit” in claims 46, “pole-zero cancellation circuit” in claims 53 and 60-92.

In claim 48, it is not understood how the plurality of comparators can be a “single comparator” since the single comparator cannot be formed from the plurality of comparators.

In claim 58, the recitation “circuitry for measuring time difference” on line 2 is confusing because it is unclear if this is additional “circuitry” or further recitation of the previously claimed “measurement circuit” on line 15 of claim 46.

In claim 59, the recitation “the functions” lacks clear antecedent basis. It is unclear what the “functions” are. The description of the present invention was incomplete because the control system is not connected to anything. Thus, the claimed control circuit may not perform the recited function.

The remaining claims are dependent from the above rejected claims and therefore considered indefinite.

Allowable Subject Matter

Claims 22-23, 28-34, 39, 44-46, 48-49, 53 and 58-92 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The claims are allowed because the prior art does not show the trigger circuit and the output circuit as combined in claims 22, 28, 29, 39, 46, 53 and 59.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DINH T. LE whose telephone number is (571) 272-1745. The examiner can normally be reached on Monday-Friday (8AM-7PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIMOTHY CALLAHAN can be reached at (571) 272-1740.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11 January 2006


DINH T. LE
PRIMARY EXAMINER